

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5294**

OFFERED BY MS. ADAMS OF NORTH CAROLINA

[Amendment to the Student Borrower Protections Act of 2019]

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Student Borrower Pro-
3 tectio ns Act of 2019”.

4 **SEC. 2. POSTSECONDARY EDUCATION LOAN BORROWER**
5 **BILL OF RIGHTS.**

6 Chapter 2 of the Truth in Lending Act (15 U.S.C.
7 1631 et seq.) is amended—

8 (1) by redesignating section 140A as section
9 140B;

10 (2) by inserting after section 140 the following:

11 **“§ 140A. Postsecondary education loan borrower bill**
12 **of rights**

13 “(a) DEFINITIONS.—In this paragraph:

14 “(1) BORROWER.—The term ‘borrower’ means
15 the person to whom a postsecondary education loan
16 is extended.

1 “(2) CHARGE OFF.—The term ‘charge off’
2 means charge to profit and loss, or subject to any
3 similar action.

4 “(3) COVERED LENDER, SERVICER, OR AS-
5 SIGNEE.—The term ‘covered lender, servicer, or as-
6 signee’ means—

7 “(A) an eligible lender (as defined under
8 section 435 of the Higher Education Act of
9 1965) of a loan made, insured, or guaranteed
10 under part B of title IV of the Higher Edu-
11 cation Act of 1965;

12 “(B) any entity with which the Secretary
13 of Education enters into a contract under sec-
14 tion 456 of the Higher Education Act of 1965
15 for origination, servicing, or collection described
16 in subsection (b) of such section 456 and is en-
17 gaged in the provision of, or offering, servicing,
18 or collections regardless of whether the Sec-
19 retary identifies the entity as a ‘servicer’ in
20 such contract;

21 “(C) a private educational lender (as de-
22 fined under section 140(a));

23 “(D) any other person or entity engaged in
24 the business of securing, making, or extending
25 postsecondary education loans on behalf of a

1 person or entity described in subparagraph (A)
2 or (C); or

3 “(E) any other holder of a postsecondary
4 education loan other than the Secretary of Edu-
5 cation.

6 “(4) POSTSECONDARY EDUCATION LOAN.—The
7 term ‘postsecondary education loan’ means—

8 “(A) a private education loan (as defined
9 under section 140(a)); or

10 “(B) a loan made, insured, or guaranteed
11 under title IV of the Higher Education Act of
12 1965.

13 “(5) QUALIFIED WRITTEN REQUEST.—

14 “(A) IN GENERAL.—The term ‘qualified
15 written request’ means a written correspond-
16 ence of a borrower (other than notice on a pay-
17 ment medium supplied by the postsecondary
18 educational lender or servicer) transmitted by
19 mail, facsimile, or electronically through an
20 email address or website designated by the cov-
21 ered lender, servicer, or assignee to receive com-
22 munications from borrowers that—

23 “(i) includes, or otherwise enables the
24 covered lender, servicer, or assignee to

1 identify, the name and account of the bor-
2 rower; and

3 “(ii) includes, to the extent applica-
4 ble—

5 “(I) sufficient detail regarding
6 the information sought by the bor-
7 rower; or

8 “(II) a statement of the reasons
9 for the belief of the borrower that
10 there is an error regarding the ac-
11 count of the borrower.

12 “(B) CORRESPONDENCE DELIVERED TO
13 OTHER ADDRESSES.—

14 “(i) IN GENERAL.—A written cor-
15 respondence of a borrower is a qualified
16 written request if the written correspond-
17 ence is transmitted to and received by a
18 covered lender, servicer, or assignee at a
19 mailing address, facsimile number, email
20 address, or website address other than the
21 address or number designated by that cov-
22 ered lender, servicer, or assignee to receive
23 communications from borrowers but the
24 written correspondence meets the require-

1 ments under clauses (i) and (ii) of sub-
2 paragraph (A).

3 “(ii) DUTY TO TRANSFER.—A covered
4 lender, servicer, or assignee shall, within a
5 reasonable period of time, transfer a writ-
6 ten correspondence of a borrower received
7 by the covered lender, servicer, or assignee
8 at a mailing address, facsimile number,
9 email address, or website address other
10 than the address or number designated by
11 that covered lender, servicer, or assignee to
12 receive communications from borrowers to
13 the correct address or appropriate office or
14 other unit of the covered lender, servicer,
15 or assignee.

16 “(iii) DATE OF RECEIPT.—A written
17 correspondence of a borrower transferred
18 in accordance with clause (ii) shall be
19 deemed to be received by the covered lend-
20 er, servicer, or assignee on the date on
21 which the written correspondence is trans-
22 ferred to the correct address or appro-
23 priate office or other unit of the covered
24 lender, servicer, or assignee.

1 “(6) SERVICING.—The term ‘servicing’ means 1
2 or more of the following:

3 “(A) Receiving any scheduled periodic pay-
4 ments from a borrower or notification of such
5 payments pursuant to the terms of a postsec-
6 ondary education loan or contract governing the
7 servicing.

8 “(B) Applying payments to the borrower’s
9 account pursuant to the terms of the postsec-
10 ondary education loan or the contract governing
11 the servicing.

12 “(C) Maintaining account records for a
13 postsecondary education loan.

14 “(D) Communicating with a borrower re-
15 garding a postsecondary education loan on be-
16 half of the covered lender, servicer, or assignee.

17 “(E) Interactions with a borrower, includ-
18 ing activities to help prevent default on obliga-
19 tions arising from postsecondary education
20 loans, conducted to facilitate the activities de-
21 scribed in subparagraph (A) or (B).

22 “(b) SALE, TRANSFER, OR ASSIGNMENT.—If the
23 sale, other transfer, assignment, or transfer of servicing
24 obligations of a postsecondary education loan results in
25 a change in the identity of the party to whom the borrower

1 must send subsequent payments or direct any communica-
2 tions concerning the loan—

3 “(1) the transferor shall—

4 “(A) notify the borrower, in writing, in
5 simple and understandable terms, not fewer
6 than 45 days before transferring a legally en-
7 forceable right to receive payment from the bor-
8 rower on such loan, of—

9 “(i) the sale or other transfer, assign-
10 ment, or transfer of servicing obligations;

11 “(ii) the identity of the transferee;

12 “(iii) the name, address, and email
13 address of the party to whom subsequent
14 payments or communications must be sent;

15 “(iv) the telephone numbers and
16 websites of both the transferor and the
17 transferee;

18 “(v) the effective date of the sale,
19 transfer, or assignment;

20 “(vi) the date on which the transferor
21 will stop accepting payment; and

22 “(vii) the date on which the transferee
23 will begin accepting payment;

24 “(B) forward any payment from a bor-
25 rower with respect to such postsecondary edu-

1 cation loan to the transferee, immediately upon
2 receiving such payment, during the 60-day pe-
3 riod beginning on the date on which the trans-
4 feror stops accepting payment of such postsec-
5 ondary education loan;

6 “(C) provide to the transferee all borrower
7 information and complete payment history in-
8 formation for any such postsecondary education
9 loans; and

10 “(2) the transferee shall—

11 “(A) notify the borrower, in writing, in
12 simple and understandable terms, not fewer
13 than 45 days before acquiring a legally enforce-
14 able right to receive payment from the borrower
15 on such loan, of—

16 “(i) the sale or other transfer, assign-
17 ment, or transfer of servicing obligations;

18 “(ii) the identity of the transferor;

19 “(iii) the name, address, and email
20 address of the party to whom subsequent
21 payments or communications must be sent;

22 “(iv) the telephone numbers and
23 websites of both the transferor and the
24 transferee;

1 “(v) the effective date of the sale,
2 transfer, assignment, or transfer of serv-
3 icing obligations;

4 “(vi) the date on which the transferor
5 will stop accepting payment; and

6 “(vii) the date on which the transferee
7 will begin accepting payment;

8 “(B) accept as on-time and may not im-
9 pose any late fee or finance charge for any pay-
10 ment from a borrower with respect to such
11 postsecondary education loan that is forwarded
12 from the transferor during the 90-day period
13 beginning on the date on which the transferor
14 stops accepting payment, if the transferor re-
15 ceives such payment on or before the applicable
16 due date, including any grace period;

17 “(C) provide borrowers a simple, online
18 process for transferring existing electronic fund
19 transfer authority; and

20 “(D) honor any promotion or benefit avail-
21 able or granted to the borrower or advertised by
22 the previous owner or transferor of such post-
23 secondary education loan.

24 “(c) MATERIAL CHANGE IN MAILING ADDRESS OR
25 PROCEDURE FOR HANDLING PAYMENTS.—

1 “(1) IN GENERAL.—If a covered lender,
2 servicer, or assignee makes a change in the mailing
3 address, office, or procedures for handling payments
4 with respect to any postsecondary education loan,
5 the covered lender, servicer, or assignee shall clearly
6 and conspicuously notify the borrower in writing and
7 through the borrower’s preferred or designated
8 method of communication not less than 45 calendar
9 days in advance of such change.

10 “(2) BORROWER PROTECTION WINDOW.—If a
11 change described in paragraph (1) causes a delay in
12 the crediting of the account of the borrower made
13 during the 90-day period following the date on which
14 such change took effect, the covered lender, servicer,
15 or assignee may not impose on the borrower any
16 negative consequences, including negative credit re-
17 porting, lost eligibility in borrower benefits, late fees,
18 interest capitalization, or other financial injury.

19 “(3) LOAN FORGIVENESS PROGRAMS.—For pur-
20 poses of any public or private loan forgiveness pro-
21 gram that applies to a postsecondary education loan,
22 such program shall not be tolled during the 90-day
23 period following the date on which a change de-
24 scribed under paragraph (1) takes effect.

1 “(d) INTEREST RATE AND TERM CHANGES FOR CER-
2 TAIN POSTSECONDARY EDUCATION LOANS.—

3 “(1) NOTIFICATION REQUIREMENTS.—

4 “(A) IN GENERAL.—Except as provided in
5 paragraph (3), a covered lender, servicer, or as-
6 signee shall provide written notice to a borrower
7 of any material change in the terms of the post-
8 secondary education loan, including an increase
9 in the interest rate, not later than 45 days be-
10 fore the effective date of the change or increase.

11 “(B) MATERIAL CHANGES IN TERMS.—The
12 Bureau shall, by regulation, establish guidelines
13 for determining which changes in terms are ma-
14 terial under subparagraph (A).

15 “(2) LIMITS ON INTEREST RATE AND FEE IN-
16 CREASES APPLICABLE TO OUTSTANDING BAL-
17 ANCE.—Except as provided in paragraph (3), a cov-
18 ered lender, servicer, or assignee may not increase
19 the interest rate or other fee applicable to an out-
20 standing balance on a postsecondary education loan.

21 “(3) EXCEPTIONS.—The requirements under
22 paragraphs (1) and (2) shall not apply to—

23 “(A) an increase based on an applicable
24 variable interest rate incorporated in the terms
25 of a postsecondary education loan that provides

1 for changes in the interest rate according to op-
2 eration of an index that is not under the control
3 of the covered lender, servicer, or assignee and
4 is published for viewing by the general public;

5 “(B) an increase in interest rate due to the
6 completion of a workout or temporary hardship
7 arrangement by the borrower or the failure of
8 the borrower to comply with the terms of a
9 workout or temporary hardship arrangement
10 if—

11 “(i) the interest rate applicable to a
12 category of transactions following any such
13 increase does not exceed the rate or fee
14 that applied to that category of trans-
15 actions prior to commencement of the
16 workout or temporary hardship arrange-
17 ment; and

18 “(ii) the covered lender, servicer, or
19 assignee has provided the borrower, prior
20 to the commencement of such arrange-
21 ment, with clear and conspicuous diselo-
22 sure of the terms of the workout or tem-
23 porary hardship arrangement (including
24 any increases due to such completion or
25 failure); and

1 “(C) an increase in interest rate due to a
2 provision included within the terms of a post-
3 secondary education loan that provides for a
4 lower interest rate based on the borrower’s
5 agreement to a prearranged plan that author-
6 izes recurring electronic funds transfers if—

7 “(i) the borrower withdraws the bor-
8 rower’s authorization of the prearranged
9 recurring electronic funds transfer plan;
10 and

11 “(ii) after withdrawal of the bor-
12 rower’s authorization and prior to increas-
13 ing the interest rate, the covered lender,
14 servicer, or assignee has provided the bor-
15 rower with clear and conspicuous diselo-
16 sure of the impending change in borrower’s
17 interest rate and a reasonable opportunity
18 to reauthorize the prearranged electronic
19 funds transfers plan.

20 “(e) PAYMENT INFORMATION.—

21 “(1) STATEMENT REQUIRED WITH EACH BILL-
22 ING CYCLE.—A covered lender, servicer, or assignee
23 for each borrower’s account that is being serviced by
24 the covered lender, servicer, or assignee and that in-
25 cludes a postsecondary education loan shall transmit

1 to the borrower, for each billing cycle during which
2 there is an outstanding balance in that account, a
3 billing statement that includes—

4 “(A) the interest rate, principal balance,
5 minimum monthly payment, and payment due
6 date for each loan;

7 “(B) the outstanding balance in the ac-
8 count and each loan at the beginning of the bill-
9 ing cycle;

10 “(C) the total amount credited to the ac-
11 count and each loan during the billing cycle;

12 “(D) the total amount of unpaid interest
13 for the account and each loan;

14 “(E) the amount of any fee added to the
15 account during the billing cycle, itemized to
16 show each individual fee amount and reason for
17 each fee;

18 “(F) the address, email address, and
19 phone number of the covered lender, servicer, or
20 assignee to which the borrower may direct bill-
21 ing inquiries;

22 “(G) the amount of any payments or other
23 credits during the billing cycle that was applied
24 respectively to the principal and to interest for
25 each loan;

1 “(H) the manner, pursuant to subsection
2 (g), in which payments will be allocated among
3 multiple loans if the borrower does not provide
4 specific payment instructions;

5 “(I) whether each loan is in deferment or
6 forbearance;

7 “(J) information on how to file a com-
8 plaint with the Bureau and with the ombuds-
9 man designated pursuant to section 1035 of the
10 Consumer Financial Protection Act of 2010
11 and the Department of Education;

12 “(K) for any borrower considered to be at
13 risk, as described in subsection (j)(1), a state-
14 ment that a repayment specialist office or unit
15 designated under subsection (j) is available to
16 answer inquiries related to alternative repay-
17 ment options, including the toll-free telephone
18 number to contact the specialist pursuant to
19 subsection (j)(3); and

20 “(L) any other information determined ap-
21 propriate by rule of the Bureau.

22 “(2) DISCLOSURE OF PAYMENT DEADLINES.—
23 In the case of a postsecondary education loan ac-
24 count under which a late fee or charge may be im-
25 posed due to the failure of the borrower to make

1 payment on or before the due date for such pay-
2 ment, the billing statement required under para-
3 graph (1) with respect to the account shall include,
4 in a conspicuous location on the billing statement,
5 the date on which the payment is due or, if dif-
6 ferent, the date on which a late fee will be charged,
7 together with the amount of the late fee to be im-
8 posed if payment is made after that date.

9 “(f) APPLICATION OF PAYMENTS.—

10 “(1) APPLY PAYMENT ON DATE RECEIVED.—

11 Unless otherwise directed by the borrower, a covered
12 lender, servicer, or assignee shall apply payments to
13 a borrower’s account on the date the payment is re-
14 ceived.

15 “(2) PROMULGATION OF RULES.—The Bureau
16 may issue rules for the application of postsecondary
17 education loan payments that—

18 “(A) implements the requirements in this
19 section;

20 “(B) minimizes the amount of fees and in-
21 terest incurred by the borrower and the total
22 loan amount paid by the borrower;

23 “(C) minimizes delinquencies, assignments
24 to collection, and charge offs;

1 “(D) requires covered lender, servicer, or
2 assignee to apply payments on the date re-
3 ceived; and

4 “(E) allows the borrower to instruct the
5 covered lender, servicer, or assignee to apply
6 payments in a manner preferred by the bor-
7 rower.

8 “(3) METHOD THAT BEST BENEFITS BOR-
9 ROWER.—In promulgating the rules under para-
10 graph (2), the Bureau shall choose the allocation
11 method that best benefits the borrower and is com-
12 patible with existing repayment options.

13 “(g) ALLOCATION OF PAYMENTS AMONG MULTIPLE
14 LOANS.—

15 “(1) ALLOCATION OF UNDERPAYMENTS.—Un-
16 less otherwise directed by the borrower, upon receipt
17 of a payment that does not satisfy the full amount
18 due for each postsecondary education loan, the cov-
19 ered lender, servicer, or assignee shall allocate
20 amounts in a manner that minimizes negative con-
21 sequences, including negative credit reporting and
22 late fees, and, where multiple loans share an equal
23 stage of delinquency, the covered lender, servicer, or
24 assignee shall first allocate payment to the postsec-
25 ondary education loan with the smallest monthly

1 payment, and then, after satisfying that monthly
2 payment, to each successive loan bearing the next
3 highest monthly payment, until the payment is ex-
4 hausted. A borrower may instruct or expressly au-
5 thorize a covered lender, servicer, or assignee to allo-
6 cate payments in a different manner.

7 “(2) ALLOCATION OF EXCESS AMOUNTS.—Un-
8 less otherwise directed by the borrower, upon receipt
9 of a payment exceeding the total amount due among
10 all the borrower’s postsecondary education loans, the
11 covered lender, servicer, or assignee shall satisfy the
12 amounts due for each loan, and then allocate
13 amounts in excess of the minimum payment amount
14 first to the postsecondary education loan balance
15 bearing the highest annual percentage rate, and
16 then, once that loan is repaid, to each successive
17 postsecondary education loan bearing the next high-
18 est annual percentage rate, until the payment is ex-
19 hausted. A borrower may instruct or expressly au-
20 thorize a covered lender, servicer, or assignee to allo-
21 cate such excess payments in a different manner.

22 “(3) ALLOCATION OF EXACT PAYMENTS.—Un-
23 less otherwise directed by the borrower upon receipt
24 of a payment that exactly satisfies the monthly pay-
25 ments for each loan, the covered lender, servicer, or

1 assignee shall allocate payments to satisfy each
2 monthly payment.

3 “(4) PROMULGATION OF RULES.—The Bureau
4 may issue rules for the allocation of payments
5 among multiple postsecondary education loans that
6 comply with the requirements of subsection (f)(2).

7 “(5) METHOD THAT BEST BENEFITS BOR-
8 ROWER.—In promulgating the rules under para-
9 graph (4), the Director shall choose the allocation
10 method that best benefits the borrower and is com-
11 patible with existing repayment options.

12 “(h) LATE FEES.—

13 “(1) IN GENERAL.—A late fee may not be
14 charged to a borrower for a postsecondary education
15 loan under any of the following circumstances, either
16 individually or in combination:

17 “(A) On a per-loan basis when a borrower
18 has multiple postsecondary education loans.

19 “(B) In an amount greater than 4 percent
20 of the amount of the payment past due.

21 “(C) Before the end of the 15-day period
22 beginning on the date the payment is due.

23 “(D) More than once with respect to a sin-
24 gle late payment.

1 “(E) The borrower fails to make a sin-
2 gular, non-successive regularly scheduled pay-
3 ment on the postsecondary education loan.

4 “(2) COORDINATION WITH SUBSEQUENT LATE
5 FEES.—No late fee may be charged to a borrower
6 for a postsecondary education loan relating to an in-
7 sufficient payment if the payment is made on or be-
8 fore the due date of the payment, or within any ap-
9 plicable grace period for the payment, if the insuffi-
10 ciency is attributable only to a late fee relating to
11 an earlier payment, and the payment is otherwise a
12 full payment for the applicable period.

13 “(3) PAYMENTS AT LOCAL BRANCHES.—If the
14 loan holder, in the case of a postsecondary education
15 loan account, is a financial institution that main-
16 tains a branch or office at which payments on any
17 such account are accepted from the borrower in per-
18 son, the date on which the borrower makes a pay-
19 ment on the account at such branch or office shall
20 be considered to be the date on which the payment
21 is made for purposes of determining whether a late
22 fee may be imposed due to the failure of the bor-
23 rower to make payment on or before the due date
24 for such payment.

25 “(i) BORROWER INQUIRIES.—

1 “(1) DUTY OF COVERED LENDER, SERVICER,
2 OR ASSIGNEE TO RESPOND TO BORROWER INQUIR-
3 IES.—

4 “(A) NOTICE OF RECEIPT OF REQUEST.—
5 If a borrower submits a qualified written re-
6 quest to the covered lender, servicer, or as-
7 signee for information relating to the servicing
8 of the postsecondary education loan, the cov-
9 ered lender, servicer, or assignee shall provide a
10 written response acknowledging receipt of the
11 qualified written request within 5 business days
12 unless any action requested by the borrower is
13 taken within such period.

14 “(B) ACTION WITH RESPECT TO IN-
15 QUIRY.—Not later than 30 business days after
16 the receipt from a borrower of a qualified writ-
17 ten request under subparagraph (A) and, if ap-
18 plicable, before taking any action with respect
19 to the qualified written request of the borrower,
20 the covered lender, servicer, or assignee shall—

21 “(i) make appropriate corrections in
22 the account of the borrower, including the
23 crediting of any late fees, and transmit to
24 the borrower a written notification of such
25 correction (which shall include the name

1 and toll-free or collect-call telephone num-
2 ber of a representative of the covered lend-
3 er, servicer, or assignee who can provide
4 assistance to the borrower);

5 “(ii) after conducting an investigation,
6 provide the borrower with a written expla-
7 nation or clarification that includes—

8 “(I) to the extent applicable, a
9 statement of the reasons for which the
10 covered lender, servicer, or assignee
11 believes the account of the borrower is
12 correct as determined by the covered
13 lender, servicer, or assignee; and

14 “(II) the name and toll-free or
15 collect-call telephone number of an in-
16 dividual employed by, or the office or
17 department of, the covered lender,
18 servicer, or assignee who can provide
19 assistance to the borrower; or

20 “(iii) after conducting an investiga-
21 tion, provide the borrower with a written
22 explanation or clarification that includes—

23 “(I) information requested by the
24 borrower or explanation of why the in-
25 formation requested is unavailable or

1 cannot be obtained by the covered
2 lender, servicer, or assignee; and

3 “(II) the name and toll-free or
4 collect-call telephone number of an in-
5 dividual employed by, or the office or
6 department of, the covered lender,
7 servicer, or assignee who can provide
8 assistance to the borrower.

9 “(C) LIMITED EXTENSION OF RESPONSE
10 TIME.—

11 “(i) IN GENERAL.—There may be 1
12 extension of the 30-day period described in
13 subparagraph (B) of not more than 15
14 days if, before the end of such 30-day pe-
15 riod, the covered lender, servicer, or as-
16 signee notifies the borrower of the exten-
17 sion and the reasons for the delay in re-
18 sponding.

19 “(ii) REPORTS TO BUREAU.—Each
20 covered lender, servicer, or assignee shall,
21 on an annual basis, report to the Bureau
22 the aggregate number of extensions sought
23 by the such covered lender, servicer, or as-
24 signee under clause (i).

1 “(2) PROTECTION AGAINST NEGATIVE CON-
2 SEQUENCES.—During the 60-day period beginning
3 on the date on which a covered lender, servicer, or
4 assignee receives a qualified written request from a
5 borrower relating to a dispute regarding payments
6 by the borrower, a covered lender, servicer, or as-
7 signee may not impose any negative consequences on
8 the borrower relating to the subject of the qualified
9 written request or to such period including—

10 “(A) providing negative credit information
11 to any consumer reporting agency (as defined
12 in section 603 of the Fair Credit Reporting
13 Act);

14 “(B) lost eligibility for a borrower benefit;

15 “(C) late fees;

16 “(D) interest capitalization; or

17 “(E) other financial injury.

18 “(j) REPAYMENT SPECIALISTS FOR AT-RISK BOR-
19 ROWERS.—

20 “(1) AT-RISK BORROWERS.—A covered lender,
21 servicer, or assignee shall designate an office or
22 other unit to act as a repayment specialist regarding
23 postsecondary education loans for—

24 “(A) any borrower who—

1 “(i) becomes 30 calendar days or
2 more delinquent under the postsecondary
3 education loan; or

4 “(ii) notifies the covered lender,
5 servicer, or assignee that the borrower is
6 having difficulty making payment;

7 “(B) any borrower who requests informa-
8 tion related to options to reduce or suspend the
9 borrower’s monthly payment, or otherwise indi-
10 cates that the borrower is experiencing or is
11 about to experience financial hardship or dis-
12 tress;

13 “(C) any borrower who has not completed
14 the program of study for which the borrower re-
15 ceived the loans;

16 “(D) any borrower who is enrolled in dis-
17 cretionary forbearance for more than 9 of the
18 previous 12 months;

19 “(E) any borrower who has rehabilitated
20 or consolidated 1 or more postsecondary edu-
21 cation loans out of default within the prior 24
22 months;

23 “(F) a borrower who seeks information re-
24 garding, seeks to enter an agreement for, or
25 seeks to resolve an issue under a repayment op-

1 tion that requires subsequent submission of
2 supporting documentation;

3 “(G) a borrower who seeks to modify the
4 terms of the repayment of the postsecondary
5 education loan because of hardship; and

6 “(H) any borrower or segment of bor-
7 rowers determined by the Bureau, in consulta-
8 tion with the Secretary of Education, to be at
9 risk.

10 “(2) TRAINING.—Staff of the repayment spe-
11 cialist office or unit designated under paragraph (1)
12 shall—

13 “(A) receive rigorous, ongoing training re-
14 lated to available repayment plans, loan forgive-
15 ness, and cancellation and discharge options;
16 and

17 “(B) be trained to—

18 “(i) assess the borrower’s long-term
19 and short-term financial situation in dis-
20 cussing alternative repayment options with
21 borrowers;

22 “(ii) inform borrowers, when there is
23 sufficient information to determine that a
24 borrower may be eligible, about closed-
25 school discharge, discharge under defense

1 to repayment, or total and permanent dis-
2 ability discharge prior to informing the
3 borrower about any other options for re-
4 payment; and

5 “(iii) inform borrowers about alter-
6 native repayment options, prior to dis-
7 cussing forbearance and deferment.

8 “(3) TOLL-FREE TELEPHONE NUMBER.—Each
9 covered lender, servicer, or assignee shall maintain a
10 toll-free telephone number that shall—

11 “(A) connect directly to the repayment
12 specialist office or unit designated under para-
13 graph (1);

14 “(B) be made available on the primary
15 internet website of the covered lender, servicer,
16 or assignee, on monthly billing statements, and
17 any required disclosures; and

18 “(C) not subject borrowers to unreasonable
19 call wait times.

20 “(4) COMPENSATION.—Staff of the repayment
21 specialist office or unit designated under paragraph
22 (1) shall not be compensated on the basis of the vol-
23 ume of calls or accounts handled, dollar amounts
24 collected, brevity of calls, or in any other manner

1 that may encourage undue haste and lack of dili-
2 gence or quality customer service.

3 “(k) ACTIONS WHEN BORROWER IS HAVING DIF-
4 FICULTY MAKING PAYMENT OR IS 60 DAYS DELIN-
5 QUENT.—

6 “(1) IN GENERAL.—Not more than 5 days after
7 a borrower notifies a covered lender, servicer, or as-
8 signee that the borrower is having difficulty making
9 payment or a borrower becomes 60 days delinquent
10 on a postsecondary education loan, the repayment
11 specialist office or unit designated under subsection
12 (j) shall—

13 “(A) complete a full review of the bor-
14 rower’s postsecondary education loan and make
15 a reasonable effort to obtain the information
16 necessary to determine—

17 “(i) if the borrower is eligible for an
18 alternative repayment option, including
19 Federal Direct Consolidation Loans under
20 part D of title IV of the Higher Education
21 Act of 1965 (20 U.S.C. 1087a et seq.), as
22 applicable;

23 “(ii) if the borrower is eligible for
24 servicemember or veteran benefits under
25 the Servicemembers Civil Relief Act (50

1 U.S.C. App. 501 et seq.) or other Federal
2 or State law related to postsecondary edu-
3 cation loans; and

4 “(iii) if the postsecondary education
5 loan is eligible for discharge by the Sec-
6 retary of Education;

7 “(B) make a good faith effort to establish
8 live contact with the borrower to provide the
9 borrower information about alternative repay-
10 ment options and benefits for which the bor-
11 rower is eligible, including all terms, conditions,
12 and fees or costs associated with such repay-
13 ment plan;

14 “(C) provide to the borrower in writing, in
15 simple and understandable terms, such informa-
16 tion required by subparagraph (B);

17 “(D) allow the borrower not less than 30
18 days to apply for an alternative repayment op-
19 tion or benefits, if eligible;

20 “(E) notify the borrower that a service-
21 member and veterans liaison designated under
22 subsection (l) is available to answer inquiries
23 about servicemember and veteran benefits re-
24 lated to postsecondary education loans, includ-

1 ing the toll-free telephone number to contact
2 the liaison; and

3 “(F) notify the borrower that a repayment
4 specialist office or unit designated under sub-
5 section (j) is available to answer inquiries re-
6 lated to alternative repayment options, includ-
7 ing the toll-free telephone number to contact
8 the specialist.

9 “(2) FORBEARANCE OR DEFERMENT.—If, after
10 receiving information about alternative repayment
11 options from the repayment specialist, a borrower
12 notifies the covered lender, servicer, or assignee that
13 a long-term alternative repayment option is not ap-
14 propriate, the covered lender, servicer, or assignee
15 may comply with this subsection by providing the
16 borrower, in writing, in simple and understandable
17 terms, information about short-term options to ad-
18 dress an anticipated short-term difficulty in making
19 payments, such as forbearance or deferment options,
20 including all terms, conditions, and fees or costs as-
21 sociated with such options.

22 “(3) NOTIFICATION PROCESS.—

23 “(A) IN GENERAL.—Each covered lender,
24 servicer, or assignee shall establish a process, in
25 accordance with paragraph (1), for a borrower

1 to notify the covered lender, servicer, or as-
2 signee that—

3 “(i) the borrower is having difficulty
4 making payments on a postsecondary edu-
5 cation loan; and

6 “(ii) a long-term alternative repay-
7 ment option is not appropriate.

8 “(B) BUREAU REQUIREMENTS.—The Di-
9 rector of the Bureau shall, based on consumer
10 testing and in consultation with the Secretary
11 of Education, promulgate rules establishing
12 minimum standards for covered lenders,
13 servicers, or assignees in carrying out the re-
14 quirements of this subsection and a model form
15 for borrowers to notify a covered lender,
16 servicer, or assignee of the information under
17 this subsection.

18 “(I) SERVICEMEMBERS, VETERANS, AND POSTSEC-
19 ONDARY EDUCATION LOANS.—

20 “(1) SERVICEMEMBER AND VETERANS LIAI-
21 SON.—Each covered lender, servicer, or assignee
22 shall designate an employee to act as the service-
23 member and veterans liaison who is responsible for
24 answering inquiries from servicemembers and vet-
25 erans, and is specially trained on servicemember and

1 veteran benefits under the Servicemembers Civil Re-
2 lief Act and other Federal or State laws related to
3 postsecondary education loans.

4 “(2) TOLL-FREE TELEPHONE NUMBER.—Each
5 covered lender, servicer, or assignee shall maintain a
6 toll-free telephone number that shall—

7 “(A) connect directly to the servicemember
8 and veterans liaison designated under para-
9 graph (1);

10 “(B) be made available on the primary
11 internet website of the covered lender, servicer,
12 or assignee and on monthly billing statements;
13 and

14 “(C) not subject borrowers to unreasonable
15 call wait times.

16 “(3) PROHIBITION ON CHARGE OFFS AND DE-
17 FAULT.—A covered lender, servicer, or assignee may
18 not charge off or report a postsecondary education
19 loan as delinquent, assigned to collection (internally
20 or by referral to a third party), in default, or
21 charged off to a credit reporting agency if the bor-
22 rower is on active duty in the Armed Forces (as de-
23 fined in section 101(d)(1) of title 10, United States
24 Code) serving in a combat zone (as designated by

1 the President under section 112(c) of the Internal
2 Revenue Code of 1986).

3 “(4) ADDITIONAL LIAISONS.—The Director, in
4 consultation with the Secretary, shall determine ad-
5 ditional entities with whom borrowers interact, in-
6 cluding guaranty agencies, that shall designate an
7 employee to act as the servicemember and veterans
8 liaison who is responsible for answering inquiries
9 from servicemembers and veterans and is specially
10 trained on servicemembers and veteran benefits and
11 option under the Servicemembers Civil Relief Act.

12 “(m) BORROWER’S LOAN HISTORY.—

13 “(1) IN GENERAL.—A covered lender, servicer,
14 or assignee shall make available in a secure elec-
15 tronic form usable by borrowers, or in writing upon
16 request, the loan history of each borrower for each
17 postsecondary education loan, separately desig-
18 nating—

19 “(A) payment history, including repayment
20 plan and payments—

21 “(i) made on such loan to previous
22 covered lender, servicer, or assignee; and

23 “(ii) qualifying toward a loan forgive-
24 ness program and designating such pro-
25 gram;

1 “(B) loan history, including any
2 forbearances, deferrals, delinquencies, assign-
3 ment to collection, and charge offs;

4 “(C) annual percentage rate history;

5 “(D) key loan terms, including application
6 of payments to interest, principal, and fees,
7 origination date, principal, capitalized interest,
8 annual percentage rate, including any cap, loan
9 term, and any contractual incentives;

10 “(E) amount due to pay off the out-
11 standing balance; and

12 “(F) any other items determined appro-
13 priate by rule of the Bureau.

14 “(2) ORIGINAL DOCUMENTATION.—A covered
15 lender, servicer, or assignee shall make available to
16 the borrower, if requested, at no charge, copies of
17 the original loan documents and the promissory note
18 for each postsecondary education loan.

19 “(n) ADDITIONAL SERVICING STANDARDS.—

20 “(1) PROHIBITIONS.—A covered lender,
21 servicer, or assignee may not—

22 “(A) charge a fee for responding to a
23 qualified written request under this paragraph;

24 “(B) fail to take timely action to respond
25 to a qualified written request from a borrower

1 to correct an error relating to an allocation of
2 payment or the payoff amount of the postsec-
3 ondary education loan;

4 “(C) fail to take reasonable steps to avail
5 the borrower of all possible alternative repay-
6 ment arrangements to avoid default;

7 “(D) fail to perform the obligations re-
8 quired under title IV of the Higher Education
9 Act of 1965;

10 “(E) fail to respond within 10 business
11 days to a request from a borrower to provide
12 the name, address, and other relevant contact
13 information of the loan holder of the borrower’s
14 postsecondary education loan or, for a Federal
15 Direct Loan or a Federal Perkins Loan, the
16 Secretary of Education, or the institution of
17 higher education who made the loan, respec-
18 tively;

19 “(F) fail to comply with any applicable re-
20 quirement of the Servicemembers Civil Relief
21 Act;

22 “(G) charge a convenience, processing, or
23 any other fee for payments made electronically
24 or by telephone;

1 “(H) fail to comply with any other obliga-
2 tion that the Bureau, by regulation, has deter-
3 mined to be appropriate to carry out the con-
4 sumer protection purposes of this paragraph; or

5 “(I) fail to perform other standard serv-
6 icing duties and functions.

7 “(2) BUSINESS HOURS.—Covered lenders,
8 servicers, or assignees shall be open for borrower in-
9 quiries and outreach during and after normal busi-
10 ness hours, including availability after 5:00 p.m. in
11 all continental United States time zones and some
12 weekend hours.

13 “(3) ADDITIONAL STANDARDS.—The Bureau
14 may issue rules establishing additional servicing
15 standards to reduce delinquencies, assignment to col-
16 lections, defaults, and charge offs, and to ensure
17 borrowers understand their rights and obligations
18 related to their postsecondary education loans.

19 “(o) PROHIBITION ON LIMITING BORROWER LEGAL
20 ACTION BY COVERED LENDER, SERVICER, OR AS-
21 SIGNEE.—

22 “(1) WAIVER OF RIGHTS AND REMEDIES.—Any
23 rights and remedies available to borrowers against
24 covered lenders, servicers, or assignees may not be
25 waived by any agreement, policy, or form, including

1 by a mandatory predispute arbitration agreement or
2 predispute joint-action waiver.

3 “(2) PREDISPUTE ARBITRATION AGREE-
4 MENTS.—No limitation or restriction on the ability
5 of a borrower to pursue a claim in court with respect
6 to a postsecondary education loan, including manda-
7 tory predispute arbitration agreements and
8 predispute joint-action waiver, shall be valid or en-
9 forceable by a covered lender, servicer, or assignee,
10 including as a third-party beneficiary or by estoppel.

11 “(3) DEFINITIONS.—In this subsection:

12 “(A) PREDISPUTE ARBITRATION AGREE-
13 MENT.—The term ‘predispute arbitration agree-
14 ment’ means an agreement to arbitrate a dis-
15 pute that has not yet arisen at the time of the
16 making of the agreement.

17 “(B) PREDISPUTE JOINT-ACTION WAIV-
18 ER.—The term ‘predispute joint-action waiver’
19 means an agreement, whether or not part of a
20 predispute arbitration agreement, that would
21 prohibit, or waive the right of, one of the par-
22 ties to the agreement to participate in a joint,
23 class, or collective action in a judicial, arbitral,
24 administrative, or other forum, concerning a

1 dispute that has not yet arisen at the time of
2 the making of the agreement.

3 “(p) PREEMPTION.—Nothing in this paragraph may
4 be construed to preempt any provision of State law regard-
5 ing postsecondary education loans where the State law
6 provides stronger consumer protections.

7 “(q) CIVIL LIABILITY.—A covered lender, servicer, or
8 assignee that fails to comply with any requirement im-
9 posed under this paragraph shall be deemed a creditor
10 that has failed to comply with a requirement under this
11 chapter for purposes of liability under section 130 and
12 such covered lender, servicer, or assignee shall be subject
13 to the liability provisions under such section, including the
14 provisions under paragraphs (1), (2)(A)(i), (2)(B), and
15 (3) of section 130(a).

16 “(r) ELIGIBILITY FOR DISCHARGE.—The Bureau
17 shall issue rules requiring covered lender, servicer, or as-
18 signee to—

19 “(1) identify and contact borrowers who may be
20 eligible for student loan discharge by the Secretary,
21 including under section 437 of the Higher Education
22 Act of 1965; and

23 “(2) provide the borrower, in writing, in simple
24 and understandable terms, information about obtain-
25 ing such discharge.

1 “(s) MODEL DISCLOSURE FORM FOR ALTERNATIVE
2 REPAYMENT OPTIONS, FORBEARANCE, AND DEFERMENT
3 OPTIONS.—Not later than 2 years after the date of enact-
4 ment of this section, the Director of the Bureau shall,
5 based on consumer testing and in consultation with the
6 Secretary of Education, develop and issue, pursuant to a
7 formal rulemaking, model forms to allow borrowers to
8 compare alternative repayment options, forbearance, and
9 deferment options with the borrower’s existing repayment
10 plan with respect to a postsecondary education loan. In
11 developing such forms, the Director shall consider and
12 evaluate the following for inclusion:

13 “(1) The total amount to be paid over the life
14 of the loan.

15 “(2) The total amount in interest to be paid
16 over the life of the loan.

17 “(3) The monthly payment amount.

18 “(4) The expected pay-off date.

19 “(5) Other related fees and costs, as applicable.

20 “(6) Eligibility requirements, and how the bor-
21 rower can apply for an alternative repayment option,
22 forbearance, or deferment option.

23 “(7) Any relevant consequences due to action or
24 inaction, such as default, including any actions that
25 would result in the loss of eligibility for alternative

1 repayment options, forbearance, or deferment op-
2 tions.

3 “(t) STUDENT LOAN SERVICING INTERAGENCY
4 WORKING GROUP.—

5 “(1) IN GENERAL.—Not later than 30 days
6 after the date of enactment of this section, the Di-
7 rector of the Bureau shall establish a student loan
8 servicing interagency working group co-chaired by
9 the Director and the Secretary of Education and in-
10 cluding the Chief Operating Officer of the Office of
11 Federal Student Aid of the Department of Edu-
12 cation, the Director of the Office of Management
13 and Budget, the Secretary of the Treasury, and the
14 heads of any other relevant Federal departments or
15 agencies.

16 “(2) ADVISORY REPORT ON RULEMAKING.—

17 “(A) IN GENERAL.—Not later than 120
18 days after the date the working group under
19 paragraph (1) is established, the working group
20 shall publish an advisory report making rec-
21 ommendations to the Director of the Bureau re-
22 lated to the promulgation of regulations under
23 this section with respect to entities with which
24 the Secretary has entered into a contract under

1 section 456 of the Higher Education Act of
2 1965.

3 “(B) PUBLIC FEEDBACK.—Following the
4 publication of the advisory report required
5 under subparagraph (A), the working group
6 shall accept, for not less than 60 days, from the
7 public specific feedback on the recommenda-
8 tions included in the report.

9 “(3) PUBLICATION OF FINAL RECOMMENDA-
10 TIONS.—Not later than 30 days following the con-
11 clusion of the public feedback process described in
12 paragraph (2)(B), the working group shall publish
13 final recommendations for the Director of the Bu-
14 reau related to the promulgation of regulations
15 under this section.

16 “(4) POLICY DIRECTION TO FEDERAL STUDENT
17 AID.—The working group shall develop and propose
18 policy direction for the Secretary of Education to
19 issue to the Office of Federal Student Aid, through
20 which the Office of Federal Student Aid shall incor-
21 porate, into contracts awarded under section 456 of
22 the Higher Education Act of 1965, applicable re-
23 quirements and standards promulgated under this
24 section.

1 “(5) MEETINGS.—After the working group pub-
2 lishes final recommendations under paragraph (3),
3 the working group shall meet not less often than
4 once per year including to—

5 “(A) evaluate the application of regulations
6 promulgated under this section on entities with
7 which the Secretary has entered into a contract
8 under section 456 of the Higher Education Act
9 of 1965;

10 “(B) evaluate the Office of Federal Stu-
11 dent Aid’s implementation of policy direction
12 developed pursuant to paragraph (4);

13 “(C) develop and implement an oversight
14 plan to ensure compliance by entities with
15 which the Secretary has entered into a contract
16 under section 456 of the Higher Education Act
17 of 1965 with policy direction developed under
18 paragraph (4) and regulations promulgated
19 under this section; and

20 “(D) undertake other activities to improve
21 coordination among the members of the work-
22 ing group as it relates to the Secretary’s admin-
23 istration of the Federal Direct Loan Program.

24 “(6) RULE OF CONSTRUCTION.—Nothing in
25 this subsection may be construed to alter, limit, or

1 restrict the Bureau’s obligations under chapter 5 of
2 title 5, United States Code (commonly known as the
3 ‘Administrative Procedures Act’), including the Di-
4 rector’s obligation to provide notice, solicit public
5 comment, and respond to such comment when
6 issuing regulations.”; and

7 (3) in the table of contents, by striking the item
8 relating to section 140A and inserting the following:

“140A. Postsecondary education loan borrower bill of rights.

“140B. Procedure for timely settlement of estates of decedent obligors.”.

9 **SEC. 3. STANDARDS FOR REPORTING INFORMATION ON**
10 **STUDENT LOANS TO CONSUMER REPORTING**
11 **AGENCIES.**

12 Section 623 of the Fair Credit Reporting Act (15
13 U.S.C. 1681s–2) is amended—

14 (1) by adding at the end the following:

15 “(f) REPORTING INFORMATION RELATED TO STU-
16 DENT LOANS.—

17 “(1) STANDARDS FOR REPORTING.—The Bu-
18 reau, in consultation with the Secretary of Edu-
19 cation, shall issue rules to establish standards for
20 the furnishing of information related to student
21 loans to a consumer reporting agency and any fur-
22 nisher of such information shall comply with such
23 rules.

1 “(2) SPECIFIC STANDARDS.—In issuing rules
2 under paragraph (1), the Bureau shall specifically
3 establish standards for the furnishing of information
4 related to—

5 “(A) the transfer of the servicing of a stu-
6 dent loan to a new servicer;

7 “(B) the loan term or duration of a stu-
8 dent loan; or

9 “(C) a student loan being placed in for-
10 bearance.

11 “(3) RESPONSIBILITIES OF THE PRIVATE EDU-
12 CATION LOAN OMBUDSMAN.—

13 “(A) MONITORING CONSUMER COM-
14 PLAINTS.—The Private Education Loan Om-
15 budsman of the Bureau (in this subsection re-
16 ferred to as the ‘Ombudsman’) shall monitor
17 complaints from consumers to assess compli-
18 ance with the rules issued under paragraph (1)
19 and, if the Ombudsman determines it appro-
20 priate, recommend supervisory or enforcement
21 actions to the Director of the Bureau with re-
22 spect to a person the Ombudsman determines
23 may be in violation of such rules.

24 “(B) RECOMMENDATIONS ON DISPUTE
25 PROCESS.—The Ombudsman shall issue peri-

1 odic recommendations to the Director of the
2 Bureau and the Congress on regulatory and
3 statutory changes that the Ombudsman believes
4 would improve the process under this section
5 for disputing information related to student
6 loans that has been furnished to a consumer re-
7 porting agency.

8 “(4) MONITORING COMPLIANCE.—The Director
9 of the Bureau shall monitor compliance with the
10 rules issued under paragraph (1) and, if the Direc-
11 tor determines that a person may be in violation of
12 such rules, take such supervisory or enforcement ac-
13 tions as the Director determines appropriate.

14 “(5) STUDENT LOAN DEFINED.—In this sub-
15 section, the term ‘student loan’ means—

16 “(A) a private education loan, as defined
17 in section 140(a) of the Truth in Lending Act;
18 and

19 “(B) a loan made, insured, or guaranteed
20 under title IV of the Higher Education Act of
21 1965.”; and

22 (2) in subsection (c)(2), by striking “subsection
23 (b) of this section” and inserting “subsection (b) or
24 (f) of this section (including any regulations issued
25 thereunder)”.

1 **SEC. 4. INSTITUTIONAL CERTIFICATION.**

2 (a) IN GENERAL.—Section 128(e) of the Truth in
3 Lending Act (15 U.S.C. 1638(e)) is amended—

4 (1) by striking paragraph (3) and inserting the
5 following:

6 “(3) PRIVATE LOAN CERTIFICATION RE-
7 QUIRED.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), a private educational lender
10 shall, before consummating any loan with re-
11 spect to a student attending an institution of
12 higher education, obtain, from the institution of
13 higher education the student intends to attend,
14 a private loan certification as described in sub-
15 paragraph (E).

16 “(B) EXCEPTION.—A private educational
17 lender may consummate a private education
18 loan with respect to a student attending an in-
19 stitution of higher education without obtaining
20 a private loan certification as required in sub-
21 paragraph (A) if, before the end of the 15-day
22 period following the date on which the private
23 educational lender requests a certification from
24 such institution, such institution does not—

1 “(i) notify the private educational
2 lender of the refusal of the institution to
3 provide such certification; or

4 “(ii) notify the private educational
5 lender that more time will be needed to
6 comply with the request for the private
7 loan certification.

8 “(C) PRIVATE LOAN CERTIFICATION CON-
9 TENTS.—Any private loan certification provided
10 by an institution of higher education pursuant
11 to subparagraph (A) shall include—

12 “(i) the enrollment status of the stu-
13 dent;

14 “(ii) the cost of attendance at the in-
15 stitution for the student as determined by
16 the institution under part F of title IV of
17 the Higher Education Act of 1965; and

18 “(iii) the difference between—

19 “(I) such cost of attendance; and

20 “(II) the total estimated amount
21 of financial assistance for such stu-
22 dent, including assistance received
23 under title IV of the Higher Edu-
24 cation Act of 1965.

1 “(D) CONSUMMATION OF LOAN WITHOUT
2 CERTIFICATION.—If a private educational lend-
3 er consummates a loan in violation of this sub-
4 section, such private education lender shall re-
5 port the consummation of such loan in a man-
6 ner determined by the Bureau.

7 “(E) INSTITUTION PROVISION OF CERTIFI-
8 CATION.—If a private educational lender sub-
9 mits a request to an institution of higher edu-
10 cation for a private loan certificate, such insti-
11 tution of higher education shall, not later than
12 the end of the 15 day period beginning on the
13 date such institution receives such request—

14 “(i) provide such certification;

15 “(ii) notify the private educational
16 lender that the institution refuses to pro-
17 vide such certification; or

18 “(iii) notify the private educational
19 lender that more time will be needed to
20 comply with the request for the private
21 loan certification.

22 “(F) INSTITUTION DISCLOSURES TO BOR-
23 ROWER.—Before providing a private loan cer-
24 tification to a private educational lender, an in-

1 stitution of higher education shall provide to
2 the borrower notice of—

3 “(i) the amount of any Federal stu-
4 dent assistance under title IV of the High-
5 er Education Act of 1965 for which the
6 borrower is eligible;

7 “(ii) the advantages of Federal stu-
8 dent assistance under title IV of the High-
9 er Education Act of 1965, including dislo-
10 sure of the fixed interest rates, deferments,
11 flexible repayment options, loan forgiveness
12 programs, and other protections;

13 “(iii) the right of the borrower to
14 choose a private educational lender of their
15 choice;

16 “(iv) the impact the private education
17 loan for which the institution of higher
18 education is submitting a private loan cer-
19 tification would have on the eligibility of
20 the borrower for other financial assistance
21 including Federal assistance under title IV
22 of the Higher Education Act of 1965;

23 “(v) the right of the borrower to ac-
24 cept or reject a private education loan
25 within the 30-day period following a pri-

1 vate educational lender’s approval of the
2 borrower’s application for a private edu-
3 cation loan; and

4 “(vi) the right of the borrower to can-
5 cel any private educational loan within 3
6 days of the consummation of such loan.”;

7 (2) by redesignating paragraphs (9), (10), and
8 (11) as paragraphs (12), (13), and (14), respec-
9 tively; and—

10 (A) by inserting after paragraph (8) the
11 following:

12 “(9) LOAN STATEMENTS FOR BORROWERS.—

13 “(A) IN GENERAL.—A private educational
14 lender that consummates a private education
15 loan with respect to a student attending an in-
16 stitution of higher education shall provide a
17 loan statement to the borrower not less than
18 once every 3 months during the period during
19 which the student attends the institution of
20 higher education.

21 “(B) CONTENTS OF LOAN STATEMENT.—

22 Any loan statement provided to a borrower pur-
23 suant to subparagraph (A) shall—

24 “(i) report the amount of the bor-
25 rower’s total remaining debt with the pri-

1 vate educational lender, including any ac-
2 crued but unpaid interest and capitalized
3 interest; and

4 “(ii) report the amount of any in-
5 crease in the borrower’s total debt with the
6 private educational lender in the period fol-
7 lowing the most recent loan statement was
8 provided to the borrower.

9 “(10) NOTIFICATION OF PRIVATE EDU-
10 CATIONAL LOAN.—Not later than 3 days after a pri-
11 vate educational lender consummates a private edu-
12 cation loan with respect to a student attending an
13 institution of higher education, such private edu-
14 cational lender shall notify the institution of higher
15 education the student is to attend of the amount of
16 the private education loan the private educational
17 lender has extended to such student.

18 “(11) ANNUAL REPORT.—Each private edu-
19 cational lender shall, each year, submit to the Bu-
20 reau information about the private education loans
21 such private educational lender has entered.”.

22 (b) DEFINITION OF PRIVATE EDUCATION LOAN.—
23 Section 140(a)(8)(A) of the Truth in Lending Act (15
24 U.S.C. 1650(a)(8)(A)) is amended—

25 (1) by redesignating clause (ii) as clause (iii);

1 (2) in clause (i), by striking “and” after the
2 semicolon; and

3 (3) by inserting after clause (i) the following:

4 “(ii) is not made, insured, or guaran-
5 teed under title VII or title VIII of the
6 Public Health Service Act (42 U.S.C. 292
7 et seq. and 296 et seq.); and”.

8 (c) REGULATIONS.—Not later than 365 days after
9 the date of enactment of this Act, the Director of the Bu-
10 reau of Consumer Financial Protection shall issue rules
11 in final form to implement paragraphs (3), (9), and (11)
12 of section 128(e) of the Truth in Lending Act, as amended
13 by this section. Such regulations shall become effective not
14 later than 6 months after their date of issuance.

15 (d) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) shall take effect 1 year after the
17 date of the enactment of this section.

18 (e) REPORT.—

19 (1) IN GENERAL.—Not later than 24 months
20 after issuing rules under subsection (c), the Director
21 of the Bureau of Consumer Financial Protection
22 shall submit to the Congress a report about the com-
23 pliance of private educational lenders and institu-
24 tions of higher education with section 128(e) of the
25 Truth in Lending Act, as amended by this section.

1 (2) CONTENTS.—Any report submitted to Con-
2 gress pursuant to paragraph (1) shall include infor-
3 mation about the degree to which institutions of
4 higher education, in making disclosures to borrowers
5 pursuant to section 128(e)(3)(F) of the Truth in
6 Lending Act, effectively encourage borrowers to ex-
7 haust Federal assistance under title IV of the High-
8 er Education Act of 1965 before entering a private
9 educational loan.

